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Barbara Cegavske, Aaron Ford,
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Colette Stammerjohn, Harold Wickham,
James Dzurenda, Renee Baker and Tara Carpenter*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CARLOS RUIZ,

Plaintiff,

vs.

NDOC, et al.,

Defendants.

Case No. 3:18-cv-00206-RCJ-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS
(SECOND REQUEST)**

Defendants, Barbara Cegavske, Aaron Ford, Maribelle Henry, Steve Sisolak, Colette Stammerjohn, Harold Wickham, James Dzurenda, Renee Baker and Tara Carpenter, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby request an extension of time to file their Motion for Summary Judgment which was to be filed on October 27, 2021 (ECF No. 64). This Motion is made and based upon the following Points and Authorities, and all papers and pleadings on file in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT

This is a pro se prisoner civil rights action brought by inmate Plaintiff Carlos Ruiz, concerning events that allegedly took place at the Lovelock Correctional Center (LCC), asserting claims arising under 42 U.S.C. § 1983.

The Plaintiff alleges a First Amendment Claim relating to an alleged violation of the free exercise of religion. (ECF No. 6 at 7). The FAC alleges that he practices “Messianic Judaism.” [sic]. (ECF No. 6 at

8). Plaintiff alleges that effective February 1, 2018, changes would come pursuant to administrative regulation (“AR”) 810. Id at 10. A memo sent to the inmates stated that all Holy days would be scheduled in conjunction with regularly schedule service time slots and that the culinary would only provide any religion with what was required by AR 810 and nothing more. Id. AR 810 states that no facility is required to hold the religious celebration on the actual date and may allow the holy date to be celebrated on an alternate date during normally schedule weekly worship. Id. at 11. AR 810 permits Messianics to use matzah and grape juice for their services but the NDOC religious practice manual does not require the NDOC to provide indigent inmates with matzoh and grape juice free of charge but makes it available for purchase. Id. at 13-14.

On September 20, 2021, this Court entered an Order Granting Defendants’ Motion for an Extension of Time to File Dispositive Motions setting forth that dispositive motions were to be filed by October 27, 2021 (ECF No. 64). Counsel for the Defense, however, has been involved in a jury trial in State Court which began Monday, October 25, 2021 and which just concluded this afternoon. Due to the time that was necessary for Defense counsel to prepare for and attend the State Court trial, in Lovelock, the Defendants request additional time to file a dispositive motion. The motion is almost completed, and should be filed shortly.

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants’ request is timely and will not hinder or prejudice Plaintiff’s case, but will allow for a thorough opportunity to review the case through Summary Judgment. The requested extension of time should permit the Defendants to file a well-researched and proper Motion for Summary Judgment in this case. Counsel has been involved in a jury trial in Lovelock, in the matter of *Volpicelli v Dzurenda*, Case No. PI 17-1115. Therefore, the Defendants request a short extension of time.

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1 **II. CONCLUSION**

2 Defendants assert that the requisite good cause and extenuating circumstance is present to
3 warrant the requested extension of time. Therefore, the Defendants request a 10 day extension, until
4 **November 8, 2021**, to file their Motion for Summary Judgment.

5 DATED this 27th of October 2021.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Douglas R. Rands
9 DOUGLAS R. RANDS, Bar No. 3572
Deputy Attorney General

10 *Attorneys for Defendants*

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12 IT IS SO ORDERED.

13 DATED: October 28, 2021.

William G. Cobb

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UNITED STATES MAGISTRATE JUDGE